

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:11-CR-77
	:	
v.	:	(Chief Judge Conner)
	:	
ALBERTO MOLINA-ERAZO,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 1st day of February, 2016, upon consideration of the motion (Doc. 410) filed *pro se* by defendant Alberto Molina-Erazo (“Molina-Erazo”), seeking a modification of the sentence imposed by the court on July 3, 2013, (see Doc. 330), and broadly requesting that the court reduce the imposed term of imprisonment to a sentence of time served, (see Doc. 410), wherein Molina-Erazo cites the “harsh . . . nature of this penalty” in seeking retrospective leniency from the court, (id.), and the court noting that Molina-Erazo stylizes his motion as one arising under both 18 U.S.C. § 3585(c)(2) and § 3553(a), but that subsection 3585(c)(2) does not exist, see 18 U.S.C. § 3585, and that § 3553(a) does not authorize the reduction of a sentence once imposed but instead enumerates factors for the court to consider when imposing a sentence in the first instance, see 18 U.S.C. § 3553(a), and the court further noting that the motion does not take the form required by the Local Rules to be construed as a request to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, see LOCAL RULE OF COURT 83.32.1; R. GOVERNING § 2255 CASES R. 2(c), and would be untimely assuming *arguendo* that the motion were so construed, as the motion was filed more than one year after Molina-Erazo’s judgment of conviction became final, see 28 U.S.C. § 2255(f); (see also Doc. 310), and further observing that courts are

limited in their ability to reduce, convert, or modify a sentence once imposed, and are authorized statutorily to do so only in narrow circumstances, see, e.g., 18 U.S.C. § 3582(c), § 3742(f)-(g); FED. R. CRIM. P. 35(a)-(b); see also 18 U.S.C. § 3582(b), and that, other than broadly requesting a reduction of his sentence to time served, Molina-Erazo identifies neither circumstances nor legal authority supporting a reduction, it is hereby ORDERED that Molina-Erazo's motion (Doc. 410) is DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania